

## **REMARKS**

Reconsideration of the above-identified Application is respectfully requested. Claims 1-20 are in the case. Claims 1 and 12 have been amended. The Specification has been amended.

Regarding the suggestion kindly put forth by the Examiner to provide a sentence in the Brief Description of the Figures section which states that the drawing is an embodiment of the invention, this suggestion has been followed. It is respectfully requested that the amended paragraph be accepted and entered into the case.

Regarding the art rejections of the claims, as a general matter, it appears that the essence of these rejections is that the term "profile" as used in the claims is susceptible to a broad interpretation that includes the limiting case of a single acceleration value, thus providing Hartwell with anticipatory value. Applicants have herein amended the two independent claims to clarify that the acceleration profile comprises a *plurality* of discretely sampled acceleration values taken at predetermined time intervals. It is respectfully submitted that with this clarifying, additional limitation in the independent claims the arguments previously submitted, and which are repeated for the Examiner's convenience in their entirety in the paragraphs following this paragraph, clearly establish the allowability of the case.

Regarding the rejection of Claims 1, 3-7, 12 and 14-17 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hartwell et al. in view of Zmarthie, this rejection is respectfully traversed. Independent Claim 1 recites in pertinent part an automated emergency alert system including "one or more processors collectively operable to: receive from the dynamic sensor an acceleration *profile* for the handheld portable communication device; access one or more predefined acceleration *profiles* stored in the memory; compare the acceleration profile received from the dynamic sensor to the one or more predefined acceleration profiles stored in the memory to determine if the acceleration profile substantially matches a predefined acceleration profile in the one or more predefined

acceleration profiles; and if it is determined that the acceleration profile received from the dynamic sensor substantially matches a predefined acceleration profile in the one or more predefined acceleration profiles stored in the memory, initiate a communication using the wireless telecommunications network to one or more emergency call centers to notify the emergency call center that the emergency event has occurred.” (Emphasis added.) Having a dynamic sensor provide such a profile which may be compared against predefined profiles stored in memory permits, for example, distinguishing between normal dropping of the device and more significant events which may be emergency events. See, for example, Specification at page 12, lines 15-30.

In the rejection, it was alleged that the Hartwell et al. reference teaches these limitations. However, Applicants find no such teaching in Hartwell et al. Rather, the Hartwell et al. reference merely teaches providing an accelerometer or gyroscope. There is no teaching or suggestion of receiving from a dynamic sensor an acceleration profile, much less doing a comparison of such profile against stored profiles. On the contrary, the accelerometer of Hartwell et al. merely measures the force of an impact and communicates this measurement to a processor. If the processor determines that the force is greater than a predetermined threshold, the processor transmits a signal, initiating an emergency event determination process requiring a response from the user. See Hartwell et al., paragraphs [0037] and [0039]. There is no teaching or suggestion of a way of distinguishing between normal dropping of the device and more significant events which may be emergency events, other than through a process requiring a response from the user. In this regard, Applicants point out that by using profiles in the claimed manner an emergency situation may be communicated without requiring a response from the user. The benefit of this in emergency situations in which the user is disabled is obvious.

The reference to Zmarthie fails to cure the deficiencies of the Hartwell et al. reference, it being cited merely for the allegation that one would want the functions taught in the Hartwell et al. reference also in a handheld device.

The other art of record is even less relevant.

It is therefore respectfully submitted that for the above reasons Claim 1 is allowable over Hartwell et al., Zmarthie, and, indeed, all of the art of record, whether considered individually or in any combination.

Independent Claim 12 includes limitations similar to those in Claim 1 discussed above, and therefore Claim 12 is allowable as well for the same reasons as those set forth above for the allowability of Claim 1.

Claims 3-7 all depend, either directly or indirectly, from Claim 1 and so are allowable for the same reasons, as well as for the additional limitations found therein. Claims 14-17 all depend, either directly or indirectly, from Claim 12 and so are allowable for the same reasons, as well as for the additional limitations found therein.

Wherefore reconsideration and withdrawal of this rejection are respectfully requested.

Regarding the rejection of Claims 2 and 13 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hartwell et al. in view of Zmarthie and further in view of Memsic Cell Phone Accelerometers/Sensors ("Memsic"), this rejection is respectfully traversed. Claim 2 depends from Claim 1 and Claim 13 depends from Claim 12. The reasons for the allowability of Claims 1 and 12 are set forth above. Memsic fails to cure the deficiencies of Hartwell et al. and Zmarthie, being cited merely for the alleged obviousness of a dynamic sensor comprising an on-chip accelerometer. The other art of record is even less relevant. It is therefore respectfully submitted that for the above reasons Claims 2 and 13 are allowable over Hartwell et al., Zmarthie, Memsic and, indeed, all of the art of record whether considered individually or in any combination. Wherefore reconsideration and withdrawal of this rejection are respectfully requested.

Regarding the rejection of Claims 8-9 and 18 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hartwell et al. in view of Zmarthie and further in view of Alpert, this rejection is respectfully traversed. Claims 8 and 9 both depend from Claim 1 and Claim 18 depends from Claim 12. The reasons for the allowability of Claims 1 and 12 are set forth above. Alpert fails to cure the deficiencies of Hartwell et al. and Zmarthie, being cited merely for the alleged

obviousness of storing prerecorded emergency event messages and transmitting them in an emergency event. The other art of record is even less relevant. It is therefore respectfully submitted that for the above reasons Claims 8-9 and 18 are allowable over Hartwell et al., Zmarthie, Alpert and, indeed, all of the art of record whether considered individually or in any combination. Wherefore reconsideration and withdrawal of this rejection are respectfully requested.

Regarding the rejection of Claims 10 and 19 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hartwell et al. in view of Zmarthie and further in view of Teller, this rejection is respectfully traversed. Claim 10 depends from Claim 1 and Claim 19 depends from Claim 12. The reasons for the allowability of Claims 1 and 12 are set forth above. Teller fails to cure the deficiencies of Hartwell et al. and Zmarthie, being cited merely for the alleged obviousness of an emergency sensing device using a temperature sensor. The other art of record is even less relevant. It is therefore respectfully submitted that for the above reasons Claims 10 and 19 are allowable over Hartwell et al., Zmarthie, Teller and, indeed, all of the art of record whether considered individually or in any combination. Wherefore reconsideration and withdrawal of this rejection are respectfully requested.

Regarding the rejection of Claims 11 and 20 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hartwell et al. in view of Zmarthie and further in view of Haderer et al., this rejection is respectfully traversed. Claim 11 depends from Claim 1 and Claim 20 depends from Claim 12. The reasons for the allowability of Claims 1 and 12 are set forth above. The reference to Haderer et al. fails to cure the deficiencies of Hartwell et al. and Zmarthie, being cited merely for the alleged obviousness of using a device to determine if a person driving an automobile is in/under water. The other art of record is even less relevant. It is therefore respectfully submitted that for the above reasons Claims 11 and 20 are allowable over Hartwell et al., Zmarthie, Haderer et al. and, indeed, all of the art of record whether considered individually or in any combination. Wherefore reconsideration and withdrawal of this rejection are respectfully requested.

It is respectfully submitted that the claims recite the patentably distinguishing features of the invention and that, taken together with the above remarks, the present application is now in proper form for allowance. Reconsideration of the application, as amended, and allowance of the claims are requested at an early date.

While it is believed that the instant amendment places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner contact the undersigned in order to expeditiously resolve any outstanding issues.

To the extent necessary, the Applicants petition for an Extension of Time under 37 C.F.R. §1.136. Please charge any fees in connection with the filing of this paper, including extension of time fees to the Deposit Account No. 20-0668 of Texas Instruments Incorporated.

Respectfully submitted,

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